

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

570Q0256

SENATE BILL NO. 76

Introduced by: Senators Hansen (Tom), Dempster, Gant, and Miles and Representatives
Dreyer, Boomgarden, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to require background investigations for certain optometrist
2 licensees and applicants.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 36-7 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Each new applicant for licensure as an optometrist, in this state shall submit to a state and
7 federal criminal background investigation by means of fingerprint checks by the Division of
8 Criminal Investigation and the Federal Bureau of Investigation. Upon application, the Board of
9 Examiners of Optometry shall submit completed fingerprint cards to the Division of Criminal
10 Investigation. Upon completion of the criminal background check, the Division of Criminal
11 Investigation shall forward to the board all information obtained as a result of the criminal
12 background check. This information shall be obtained before permanent licensure of the
13 applicant. The board may require a state and federal criminal background check for any licensee
14 who is the subject of a disciplinary investigation by the board. Failure to submit to or cooperate
15 with the criminal background investigation is grounds for denial of an application or may result



1 in revocation of a license. The applicant shall pay for any fees charged for the cost of
2 fingerprinting or the criminal background investigation.

3 Section 2. That § 36-7-24 be amended to read as follows:

4 36-7-24. The Board of Examiners, in compliance with chapter 1-26, may revoke the
5 certificate of any registrant for any one, or any combination, of the following causes:

- 6 (1) Conviction of a felony, as shown by a certified copy of the record of the court of
7 conviction;
- 8 (2) ~~Obtaining of, or an attempt, or attempting~~ to obtain, a certificate of registration by
9 fraudulent misrepresentation;
- 10 (3) Malpractice;
- 11 (4) Continued practice by a person knowingly having an infectious or contagious disease;
- 12 (5) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other
13 habit-forming drugs;
- 14 (6) Being guilty of unprofessional conduct;
- 15 (7) Failure to submit to or cooperate with the criminal background investigation
16 requested by the board.